

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES**  
**AUGUST 6, 2013**

Town of Andover  
36 Bartlet Street  
3<sup>rd</sup> Floor Conference Room  
8:00pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Floyd Greenwood, Commissioner Phil Sutherland and Commissioner Alix Driscoll. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**6 Robinswood Way**

**Present in Interest: Stephen and Misti O'Connell; Maureen Hanley, John Campbell and Attorney Robert Lavoie**

*Staff Recommendation: Close Public Hearing*

Continued Public Hearing on a Notice of Intent filed by Stephen and Misti O'Connell under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for proposed construction of a sport court, 2 stone trenches and grading at 6 Robinswood Way.

Mr. Douglas presented this to the Commission. This was continued from July 16, 2013 to allow Applicants to provide full riverfront calculations; an alternatives analysis; and revised plan showing monumentation and sedimentation control labeled on said plan. These documents were to be received no later than July 23, 2013. These were received via email from Norse Environmental on August 6, 2013 and the plan was handed out at the meeting.

Maureen Hanley presented the alternative analysis plans to the Commission indicating moving the sport court closer to the house and the other with the sport court located to the left side of the backyard. However, the original proposed placement does not require any tree cutting or grading and would provide more plantings.

Attorney Bob Lavoie informed the Commission that this project is not redevelopment. The proposed sport court is placed equidistant between two wetlands and would cause no significant adverse impact. The proposed stone trenches, plantings and movement of the sport court location are being presented as mitigation. The two alternatives presented are in the outer riparian, giving the Commission more discretion with the project.

Chairman Cooper stated that the project does not qualify under 310CMR 10.58(4)(d)(a). If there

is not 100 foot wide undisturbed area and no other alternative is available, existing vegetation must be preserved to the maximum amount feasible. Chairman Cooper also stated that mitigation offered is not a rebuttal of significance.

Stephen O'Connell expressed his displeasure with the two alternatives presented at the hearing. He requested a site visit by the Commission. Currently, the wetlands surrounding the existing play area are being trampled and damaged by the children chasing balls and pucks. The original proposal calls for netting to be installed which would further protect the wetlands.

Chairman Cooper advised the Applicant and his representatives that they could continue to the next meeting to supply a partial rebuttal of presumptions of significance.

Attorney Lavoie submitted that the existing placement involves less grading and has less impact on the wetlands, and that no further evidence would be submitted and the Applicant is not choosing either alternative placement.

Chairman Cooper advised the Commission that the Applicant declined to submit any further information under 310 CMR10.58(d)(1)(a).

Mr. Douglas asked the Commission to find that lawn area is considered vegetation within the Riverfront.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing, approve the alternative plan provided and that lawn area be considered vegetation. The Motion was seconded by Commissioner Driscoll and unanimously approved.

## **15 Geneva Road**

**Present in Interest: Beth Arnold, Corey Schutzman and Beth Fenstermacher**

*Staff Recommendation: Continue to Date Uncertain*

Public Hearing on a Notice of Intent filed by Beth Arnold under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed removal of an existing flagstone patio and restoration of the area to naturalized conditions, and restoration of the peninsula shoreline at 15 Geneva Road.

Mr. Douglas presented this to the Commission. The filing is under the WPA only in response to an enforcement order issued for work done on the protected peninsula. The project is under review by DEP. The project is within Haggets Pond. The project consists of removing the existing patio, removal of rubble from previous projects, the use of bioengineered erosion control and stabilization of the peninsula.

Beth Fenstermacher presented the project to the Commission. This project will be broken into four phases to limit the amount of disturbance. The first phase consists of removing the patio area which is the subject of the Enforcement Order; second phase consists of removal of a concrete pier and restoring of the wetland in that area; third and fourth phases consist of

shoreline stabilization around the peninsula. Native seed mixes will be used to provide a buffer. A curtain will be used in the pond to catch any sediment. There will be no stockpiling on site. Mr. Douglas asked for a clarification as to the restoration and grassy areas. The existing bank will be pulled back to create a gradual shoreline and native tall grasses will be used in the riparian area not be maintained as lawn.

Mr. Douglas confirmed that a site inspector will be appointed. He also suggested a site visit be scheduled.

Chairman Cooper asked that the condition that once a phase begins, it must be completed within three weeks.

Commissioner Sutherland asked that staff be notified of the beginning each phase.

Commissioner Driscoll inquired about any blanding turtles. The application has been submitted by the Applicant, but no response has been received.

The site visit was scheduled for August 12, 2013 at 2:00pm. Staff will speak with the water department to obtain any concerns they may have with the project.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to August 20, 2013 at 8:15pm, it was seconded by Commissioner Greenwood and unanimously approved.

## **11 Bristol Lane**

### **Present in Interest: Bernie Paquin**

*Staff Recommendation: Close the public hearing and issue Order of Conditions.*

Public Hearing on a Notice of Intent filed by Anthony and Marie Risitano under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed removal of an existing deck and construction of a larger deck at 11 Bristol Lane.

Agent Cleary presented this to the Commission. The filing is under the WPA only. The project consists of the reconstruction and extension of a deck no closer to the BVW than the existing deck and will continue to be on existing lawn area. Waivers will be requested for the inability to meet setbacks. As mitigation for not meeting the required setbacks, the applicant has agreed to remove an enormous amount of material/yard waste out of the BVW and to install non-disturb bounds at the edge of lawn providing a variable buffer strip of between five and 20 feet from the wetland and revegetation to occur. This will be done prior to the commencement of work. Revised plan depicting wetland boundary changes made by staff will be submitted. There are no DEP comments.

Bernie Paquin presented the project to the Commission and submitted the revised plans to the Commission. Waivers are being requested for soil conservation map, DEP data sheets, and 50 foot no-build setback. Agent Cleary presented the project and mitigation in her presentation.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to approve the requested waivers, close the public hearing and issue the Order of Conditions as drafted with approved mitigation. The Motion was seconded by Commissioner Driscoll and unanimously approved.

### **146 Dascomb Road**

**Present in Interest: Tom Liddy and Brian McCarthy**

*Staff Recommendation: Close public hearing and issue ORAD.*

Public Hearing on the Abbreviated Notice of Resource Area Delineation filed by Brian Emmert/Restaurant Depot under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland and wetland resource area at 146 Dascomb Road.

Mr. Douglas presented this to the Commission. Staff has confirmed the flagging. The wetland near Dascomb Road is an intermittent stream which is jurisdictional. The wet area near the highway was built as a roadside ditch and is an engineered structure which can be maintained and not a BVW.

Tom Liddy presented the project to the Commission. The project is located at the interchange of Dascomb Road and Route 93. The current conditions include a detention basin. The roof runoff goes into an existing ditch which runs into a culvert under Route 93 and the parking lot runoff goes towards "Swale B" and into the detention basin. The intermittent stream drains under Dascomb Road southerly under Smith Drive and surfaces off property. Flagging has been confirmed by staff.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing and issue ORAD, it was seconded by Commissioner Greenwood and unanimously approved.

### **73 Lovejoy Road**

**Present in Interest: Jeff Bridge, George Sargent, Glen Nolan, Roger Brink, Anthony Panto, Brian Vinchesi, Rich Chase, Robert Clarke, Ryan Bianchetto, Mike Miller, Linda Shaffer and Stephanie Bard.**

*Staff Recommendation: Continue.*

Public Hearing on a Notice of Intent filed by DeMoulas Super Markets, Inc. under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed standard maintenance and repair of 2 onsite culverts, proposed renovations to the course within the previously disturbed 100' buffer zone and proposed irrigation improvements and standard maintenance at 73 Lovejoy Road/Indian Ridge Country Club.

Agent Cleary presented this to the Commission. The filing is under the WPA and the By-Law for Phase 2. A portion of the site is located within the Fish Brook Watershed Protection Overlay District. The project consists of maintenance work including replacing two existing culverts in kind, renovations to existing tees and improvements to the irrigation pond. The work in Phase 2 is much simpler than in Phase 1. Most of the work will be done in already disturbed areas and/or routine maintenance. The Applicant has already funded a peer review to be done by Jeff Bridge. Robert Clarke presented the project to the Commission, which included "Existing Conditions" plans from 1969 and 1983 as well as the proposed project plans and irrigation plans. Green #6 work will consist of replacing sod and removing of the existing pump house which is located within the buffer zone and relocating it outside the buffer zone with a new line.

Jeff Bridge advised the Commission that he has reviewed and confirmed the wetland delineation in the Notice of Intent filing. Much of the work in Phase 2 will be below ground and replacing pipes, culverts, etc in kind. Waivers will be submitted for work within the 50 foot no-build. Most of the work within the 50 feet is on previously disturbed fairways, greens and tees. There is no expansion to the course, no change to drainage, recharge or water quality in this Phase. Vice Chairman Walsh asked if there would be any change in runoff during a rain event. There will be no change in runoff because all replacements will be in kind.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to September 3, 2013, it was seconded by Commissioner Greenwood and unanimously approved.

### **ACTION ITEMS:**

#### **3 Torr Street**

*Staff Recommendation: Issue.*

Issuance of a Determination of Applicability. There were four conditions to be met:

Drainage concerns of abutters was addressed by a letter dated June 27, 2013; BVW to be delineated if permission granted by abutting homeowner; Limit of lawn not to exceed further than 128 contour; and Barn to be razed or relocated to accommodate new lot line.

The razing or relocation of the barn must take place prior to the commencement of work. Staff is still waiting for permission to delineate the wetland.

Commissioner Walsh made a Motion to issue the Determination of Applicability, it was seconded by Vice Chairman Walsh and unanimously approved.

#### **Fall Deer Management Program**

**Present in Interest: Doug Cooper, Stephen Cooper and Craig Liversidge**

*Staff Recommendation: Approve.*

Vote to approve Deer Management Program for Fall 2013.

Vice Chairman Walsh made a Motion to Approve the Fall Deer Management Program, it was seconded by Commissioner Greenwood and approved by a vote of 3-1 with Commissioner Driscoll opposed.

**CONSENT AGENDA:**

**4 Steeple Court**

Issuance of a Satisfactory Completion of Work Certificate.

**10 Apple Blossom Road**

Issuance of a Satisfactory Completion of Work Certificate.

**14 Wabanaki Way**

Issuance of a Certificate of Compliance.

**3 Gregory Circle**

Issuance of a Certificate of Compliance.

Continued to August 20, 2013.

**360 South Main Street**

Issuance of a Certificate of Compliance.

**186 Abbott Street**

Issuance of a Certificate of Compliance.

Not ready to be issued, site not complete.

**26 Orchard Crossing**

Ratification of Emergency Certification.

Vice Chairman Walsh made a Motion to ratify the Emergency Certification, it was seconded by Commissioner Greenwood and unanimously approved.

**River Street @ Intersection of Laconia Drive**

Ratification of Emergency Certification.

Commissioner Driscoll made a Motion to ratify the Emergency Certification, it was seconded by Commissioner Greenwood and unanimously approved.

**Minutes**

Approval of minutes from July 16, 2013 meeting.

Vice Chairman Walsh made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

**LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

**2 Hitchcock Farm Road**

Agent Cleary updated the Commission on the Appeal to DEP. DEP appears to be working with the Commission's concerns. DEP is asking the Applicant to install BMPs to infiltrate runoff, remove the lawn area and rain garden. DEP has not finished any further requirements in the SOC.

**Pustell Reservation, Foster Pond Reservation and Jenkins Quarry Land**

Discussion regarding hunting at the Pustell Reservation, Foster Pond Reservation and Jenkins Quarry Land. Chairman Cooper urged not to open up the two lots recently purchased at Fosters Pond and only allow hunting on the Deloury Land. He also asked for a written policy and objective for the Deer Management Program and Land Management.

Craig Liversidge informed the Commission that these reservations were being added to diversify where the hunters are hunting and to bring down the deer population in South Andover.

It was decided the Pustell Reservation would be hunted by Andover Residents only.

Commissioner Greenwood made a Motion to approve adding the Pustell Reservation to be hunted by Andover Residents, Fosters Pond Reservation and Jenkins Quarry to the Deer Management Program, it was seconded by Vice Chairman Walsh and approved by a 3-1 vote with Commissioner Driscoll opposed.

**The next meeting will be held August 20, 2013 at 7:45pm.**

**The meeting was adjourned at 10:00pm by Motion of Commissioner Greenwood and seconded by Commissioner Driscoll and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**

